
BARBER AND COSMETOLOGIST ACT

Title 12 **Professions and Occupations**

Article 8 **Barbers and Cosmetologists**

Effective July 1, 2006

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12-8-101. Short title.

This article shall be known and may be cited as the "Barber and Cosmetologist Act".

12-8-102. Legislative declaration.

The purpose of this article is to protect the public's health, safety, and welfare with respect to the professional practice of barbers, hairstylists, cosmetologists, estheticians, and manicurists, and, therefore, testing procedures and disciplinary actions are of the highest priority. Access of qualified professionals to these professions shall not be unduly restricted. The director of the division of registrations in the department of regulatory agencies is hereby directed to enforce this article to accomplish the purposes set forth in this section.

12-8-103. Definitions.

As used in this article, unless the context otherwise requires:

(1) "Barber" means a person who engages in any of the practices of barbering.

(2) "Barbering" means any one or combination of the following practices when done upon the upper part of the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when done for payment either directly or indirectly or when done without payment for the public generally: Shaving or trimming the beard; cutting the hair; giving facial or scalp massage or treatment with oils, creams, or lotions, or other chemical preparations, either by hand or with mechanical appliances; dyeing the hair or applying hair tonic; applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to the scalp, face, neck, or shoulders.

(3) "Barber school" means an establishment operated by a person for the purpose of teaching barbering that is certified by the private occupational school division or the Colorado community college system, or is an accredited technical school that teaches barbering.

(4) "Barbershop" or "beauty salon" means a fixed establishment, temporary location, or place in which one or more persons engage in the practice of barbering or cosmetology. The term "temporary location" includes a motor home as defined in section 42-1-102 (57), C.R.S.

(5) "Beauty school" means an establishment operated by a person for the purpose of teaching cosmetologists, estheticians, and manicurists that is certified by the private occupational school division or the Colorado community college system, or is an accredited technical school that teaches cosmetology.

(6) Repealed.

(7) (Deleted by amendment, L. 2005, p. 560, § 2, effective July 1, 2005.)

(8) "Cosmetologist" means a person who engages in any of the practices of cosmetology.

(9) "Cosmetology" means any one act or practice, or any combination of acts or practices, when done for payment either directly or indirectly or when done without payment for the public generally, usually performed by and included in or known as the profession of beauty culturists, beauty operators, beauticians, estheticians, cosmetologists, or hairdressers or of any other person, partnership, corporation, or other legal entity holding itself out as practicing cosmetology by whatever designation and within the meaning of this article. In particular, "cosmetology" includes, but is not limited to, any one or a combination of the following acts or practices: Arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring, or similar work upon the hair of any person by any means and, with hands or mechanical or electrical apparatus or appliances or by the use of cosmetic or chemical preparations, manicuring or pedicuring the nails of any person; giving facials, applying makeup, giving skin care, or applying eyelashes involving physical contact with any person; beautifying the face, neck, arms, bust, or torso of the human body by use of cosmetic preparations, antiseptics, tonics, lotions, or creams; massaging, cleaning, or stimulating the face, neck, arms, bust, or torso of the human body with the use of

antiseptics, tonics, lotions, or creams; removing superfluous hair from the body of any person by the use of depilatories or waxing or by the use of tweezers; and the trimming of the beard.

(9.3) "Director" means the director of the division of registrations in the department of regulatory agencies.

(9.4) "Esthetician" means any person who engages in any one or more of the following practices:

(a) Giving facials, applying makeup, giving skin care, or applying eyelashes, involving physical contact, to any person;

(b) Beautifying the face, neck, arms, bust, or torso of the human body by the use of cosmetic preparations, antiseptics, tonics, lotions, or creams;

(c) Massaging, cleaning, or stimulating the face, neck, arms, bust, or torso of the human body by means of the hands, devices, apparatus, or appliances with the use of cosmetic preparations, antiseptics, tonics, lotions, or creams;

(d) Removing superfluous hair from the body of any person by the use of depilatories or waxing or by the use of tweezers.

(9.5) "Free lance shop operator" means an individual who engages in barbering, hairstyling, or cosmetology or practices as an esthetician or manicurist at locations other than fixed or mobile barbershops or beauty shops.

(9.7) "Hairstyling" means providing one or more of the following hair care services upon the upper part of the human body for cosmetic purposes for payment either directly or indirectly, or when done without payment for the public generally:

(a) Cleansing, massaging, or stimulating the scalp with oils, creams, lotions, or other cosmetic or chemical preparations, using the hands or with manual, mechanical, or electrical implements or appliances;

(b) Applying cosmetic or chemical preparations, antiseptics, powders, oils, clays, or lotions to the scalp;

(c) Cutting, arranging, braiding, applying hair extensions to, or styling the hair by any means using the hands or with manual, mechanical, or electrical implements or appliances;

(d) Cleansing, coloring, lightening, waving, or straightening the hair with cosmetic or chemical preparations, using manual, mechanical, or electrical implements or appliances;

(e) Trimming the beard.

(9.8) "Hairstylist" means a person who engages in any of the practices of hairstyling.

(10) Repealed.

(10.5) "Manicuring" means any one act or practice, or combination of acts or practices, when done for direct or indirect payment or when done without payment for the public generally. "Manicuring" includes, but is not limited to, the filing, buffing, polishing, cleansing, extending, protecting, wrapping, covering, building, pushing, or trimming of nails or any other similar work upon the nails of any person by any means, including the softening of the hands, arms, ankles, or feet of any person by use of hands, mechanical or electrical apparatus or appliances, cosmetic or chemical preparations, antiseptics, lotions, or creams or by massaging, cleansing, stimulating, manipulating, or exercising the arms, hands, feet, or ankles of any person. Manicuring also includes waxing or the use of depilatories on the leg up to the knee, and the waxing or the use of depilatories on the arm up to the elbow.

(11) "Manicurist" means a person who engages in the limited practices of cosmetology known as manicuring. Unless otherwise licensed under this article, a manicurist shall not engage in the practice of cosmetology, barbering, or hairstyling or practice as an esthetician.

(12) "Owner" includes any person who has a financial interest in a barbershop or beauty salon or any other place of business entitling such person to participate in the promotion, management, or proceeds thereof. It does not include a person whose connection with the barbershop, beauty salon, or other place of business entitles such person only to reasonable salary or wages for services actually rendered. The owner of a place of business is the person responsible for registering such place of business with the director.

(13) "Place of business" means a fixed establishment, temporary location, or place, including any mobile barber shop or beauty salon, in which one or more persons engage in the practice of barbering, hairstyling, or cosmetology or practice as a manicurist or an esthetician. The term "temporary location" includes a motor home as defined in section 42-1-102 (57), C.R.S.

12-8-104. State board of barbers and cosmetologists. (Repealed)

12-8-105. Administrator - assistants. (Repealed)

12-8-106. Meetings - quorum - rules. (Repealed)

12-8-107. Books and records - report - publications.

(1) The director shall keep a record of proceedings. The director shall keep a register of applicants for licenses showing the name and address of each applicant and whether such applicant was granted or refused a license. The director shall keep a register of places of business showing each owner's name and the address of each such place of business. The books and records of the director shall be prima facie evidence of matters contained therein and shall constitute public records.

(2) Repealed.

(3) Publications of the director circulated in quantity outside the executive branch shall be issued in accordance with the provisions of section 24-1-136, C.R.S.

12-8-108. Powers and duties of the director - advisory committee - rules - repeal.

(1) The director has the following powers and duties:

(a) To promulgate, in accordance with article 4 of title 24, C.R.S., such rules and regulations as are necessary for the administration of this article;

(b) To revoke, suspend, deny, or make probationary licenses upon proof of violation of the rules and regulations established by the director or violation of the statutes of this state;

(c) To prescribe, with the approval of the department of public health and environment, such safety and sanitary rules as the director may deem necessary to protect the health and safety of the public and of employees;

(d) To supervise and regulate the industries of barbering, hairstyling, and cosmetology and the practices of estheticians and manicurists of this state in accordance with this article, but nothing contained in this article shall be construed to abrogate the status, force, or operation of any provisions of any public health law of this state or any local health ordinance or regulation;

(e) To establish criteria for applicant eligibility for examination and to establish procedures for the registration of places of business;

(f) (l) To investigate upon his or her own initiative or upon receiving a complaint all suspected or alleged violations of this article, unless the director or his or her designee determines that a complaint or

alleged violation is without merit, and to enter premises in which violations are alleged to have occurred during business hours.

(II) The director or an administrative law judge shall have the power to administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the director pursuant to this article. The director may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report them to the director.

(III) Upon failure of any witness to comply with such subpoena or process, the district court of the county in which the subpoenaed person or licensee resides or conducts business, upon application by the board or director with notice to the subpoenaed person or licensee, may issue to the person or licensee an order requiring that person or licensee to appear before the director; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

(g) By and through the attorney general of this state, to apply to a court of competent jurisdiction for an order enjoining any act or practice which constitutes a violation of this article. Upon a showing to the satisfaction of the court that a person is engaging or intends to engage in any such act or practice, an injunction, temporary restraining order, or other appropriate order shall be granted by such court, regardless of the existence of another remedy therefor. The requirements for notice, hearing, duration of any injunction or temporary restraining order issued pursuant to this paragraph (g), or other similar matter shall be in accordance with the Colorado rules of civil procedure.

(h) (I) To send letters of admonition. When a complaint or investigation discloses an instance of misconduct that, in the opinion of the director, does not warrant formal action by the director but that should not be dismissed as being without merit, a letter of admonition may be issued and sent, by certified mail, to the licensee.

(II) When a letter of admonition is sent by the director, by certified mail, to a licensee, such licensee shall be advised that he or she has the right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based.

(III) If the request for adjudication is timely made, the letter of admonition shall be deemed vacated and the matter shall be processed by means of formal disciplinary proceedings.

(i) To issue cease and desist orders pursuant to section 12-8-127.5;

(j) To issue confidential letters of concern. When a complaint or investigation discloses an instance of conduct that does not warrant formal action by the director and, in the opinion of the director, the complaint should be dismissed, but the director has noticed indications of possible errant conduct by the licensee or registrant that could lead to serious consequences if not corrected, a confidential letter of concern may be issued and sent to the licensee or registrant.

(2) (a) The director shall appoint a five-member advisory committee to assist in the performance of the director's duties. The advisory committee shall consist of at least three licensees who have expertise in the area under review, a representative from a Colorado licensed school that provides training for licensees in the industry, and a member of the public. Members of the advisory committee shall be compensated for their services in accordance with the provisions of section 24-34-102 (13), C.R.S. The advisory committee shall meet at least four times a year and prior to the adoption of rules, and at the request of the director.

(b) This subsection (2) is repealed, effective July 1, 2015. Prior to such repeal, the advisory committee shall be reviewed as provided for in section 2-3-1203, C.R.S.

12-8-109. Rules and orders adopted by the state board of barbers and cosmetologists under previous law - persons licensed or registered under previous law.

(1) All rules, regulations, rates, orders, and awards of the state board of barbers and cosmetologists lawfully adopted prior to July 1, 2000, shall continue to be effective until revised, amended, repealed, or nullified pursuant to law.

(2) All licenses issued by the state board of barbers and cosmetologists to practice barbering or cosmetology prior to July 1, 2000, shall remain valid and shall be subject to renewal by the director pursuant to section 12-8-115.

12-8-110. Examinations.

(1) For the benefit of applicants, the director shall hold examinations as often as necessary, subject to appropriation constraints.

(2) The respective examinations of applicants for licenses to practice barbering, hairstyling, or cosmetology under this article shall be conducted under rules prescribed by the director and shall include practical demonstrations, written tests in reference to the practices to which a license is applied, and such related studies or subjects as the director may determine necessary for the proper and efficient performance of such practices, and such examinations shall not be confined to any specific system or method. The practical demonstrations shall be conducted under conditions that are as similar to actual operating conditions as possible. The director is authorized to rent adequate facilities in which to hold such examinations.

(3) Such examinations shall be consistent with the practical and theoretical requirements of the practices of barbering, hairstyling, cosmetology, manicurist services, or esthetician services as provided by this article, and such examinations shall be reviewed, revised, and updated periodically on a reasonable basis by the director in consultation with the advisory committee created pursuant to section 12-8-108. Examinations shall be graded promptly, and the results of the examinations shall be made available to the applicants promptly. The examination shall emphasize health and safety issues.

(4) The director shall offer a separate and complete testing station and facility for each applicant, and no oral examination shall be given in connection with practical demonstrations.

(5) No person shall be permitted to examine applicants in any of the practical portions for barbers, hairstylists, cosmetologists, cosmeticians, or manicurists in which said person has not had practical experience and received a license as provided in this article.

(6) Repealed.

12-8-111. Application - form.

(1) Each applicant for examination shall file with the director, or the director's designee, a written application in such form as the director may require to set forth the qualifications of the applicant and shall submit satisfactory proof of the required age and education.

(2) Each applicant for registration shall file with the director, or the director's designee, a written application in such form as the director may require pursuant to section 12-8-114.5.

(3) All fees for examinations, registrations, and licenses shall be paid in advance, except as otherwise provided in this article.

12-8-112. Results of examinations.

The results of examinations and the qualifications of applicants for admission to such examinations or for licenses shall be determined by the director or by such person as the director shall designate.

12-8-113. When the director admits applicant.

If the director finds that the applicant meets the qualifications of sections 12-8-111 and 12-8-114 and has submitted any other credentials required by the director for admission to the examination and has paid the required fee, the director shall admit such applicant to examination.

12-8-114. Qualifications of applicants - requirements.

(1) An applicant for any license provided in this article or for examination shall be at least sixteen years of age.

(2) An applicant for examination shall furnish proof of graduation from a barber school or beauty school approved by the private occupational school division pursuant to article 59 of this title and part 7 of article 60 of title 23, C.R.S.; approved by the state board for community colleges and occupational education pursuant to article 60 of title 23, C.R.S.; or, if the school is located in another state or country, approved by the governmental agency responsible for approving such schools in that state or country. The applicant shall also furnish proof that the applicant has successfully completed educational requirements equal to those set by the director. If the applicant has graduated from a school located outside Colorado, the applicant shall furnish proof that the applicant has successfully completed educational requirements substantially equal to those set by the director.

(3) An applicant for examination shall furnish proof of training of not less than the number of hours of course completion in the subject area in which the applicant seeks licensure as follows:

- (a) Sixty credit hours for a cosmetologist;
- (b) Fifty credit hours for a barber;
- (c) Twenty credit hours for an esthetician;
- (d) Twenty credit hours for a manicurist;
- (e) Forty credit hours for a hairstylist.

(4) Every person desiring to obtain a license to practice the occupation of a barber, cosmetologist, esthetician, hairstylist, or manicurist in this state shall apply therefor and pay to the director an examination fee. Applicants who successfully pass such examination and who otherwise qualify shall be issued a license upon the payment of the required fee.

(5) Notwithstanding any law to the contrary, no examinations for a hairstylist license and no hairstylist licenses shall be issued until on or after January 15, 2001.

12-8-114.5. Registration for places of business. (Repealed)

12-8-115. Renewal and reinstatement of license.

All licenses shall expire pursuant to a schedule established by the director and shall be renewed or reinstated pursuant to section 24-34-102 (8), C.R.S. The director may establish renewal fees and delinquency fees for reinstatement pursuant to section 24-34-105, C.R.S. If a person fails to renew his or her license pursuant to the schedule established by the director of the division of registrations, such license shall expire. Any person whose license has expired shall be subject to the penalties provided in this article or section 24-34-102 (8), C.R.S.

12-8-116. Fees.

- (1) Fees shall be as established pursuant to section 24-34-105, C.R.S.
- (2) No fees shall be refunded.

(3) The executive director of the department of regulatory agencies shall determine the length of time for licensing periods and for license renewal periods, not to exceed three years.

12-8-117. Disposition of fees.

All fees shall be collected by the director and transmitted to the state treasurer, who shall credit the same pursuant to section 24-34-105, C.R.S., and the general assembly shall make annual appropriations pursuant to said section for expenditures of the director incurred in the performance of the director's duties under this article, which expenditures shall be made out of such appropriations upon vouchers and warrants drawn pursuant to law.

12-8-118. Licensure by endorsement.

(1) The director shall issue a license by endorsement to engage in the practice of barbering, cosmetology, hairstyling, manicuring, or esthetician services in this state to an individual who possesses an active license in good standing to practice in that profession in another state or territory of the United States or in a foreign country if the applicant presents proof that is satisfactory to the director, that the applicant:

(a) Possesses a valid license from another state or jurisdiction that is substantially equivalent to the requirements in Colorado for licensure and meets all other requirements for licensure pursuant to this article. The director may specify by rule what shall constitute substantially equivalent licensure and qualifications; and

(b) Has paid the prescribed licensure fees.

12-8-119. Issuance of license - display.

If an applicant for examination to practice barbering, hairstyling, or cosmetology or to provide esthetician or manicurist services passes such examination and has paid the required fee and complies with the requirements of this article, the director shall issue a license to that effect. Such license shall be evidence that the person to whom it is issued is entitled to engage in the practices, occupation, or occupations stipulated therein. Such license shall be conspicuously displayed in such licensee's principal office or place of business or employment.

12-8-120. License required.

It is unlawful for any person to engage in, or attempt to engage in, the occupation of barbering, hairstyling, or cosmetology or to provide esthetician or manicurist services in this state unless such person first obtains a license as provided in this article.

12-8-121. Exemptions.

(1) Nothing in this article shall prohibit services by:

(a) Persons authorized under the laws of this state to practice medicine, surgery, dentistry, podiatry, osteopathy, or chiropractic nor services by employees, agents, or volunteers of a health care facility when performing duties incidental to patient care;

(b) Licensed or unlicensed volunteers in the performance of charitable services for washing and setting the hair of:

(I) Patients confined to hospitals or nursing, convalescent, or boarding homes;

(II) Persons confined to their homes by reason of age, physical or mental infirmity, or physical disability;

(c) Therapists permitted to practice their occupations under the laws of this state;

(d) A student of a barbering, hairstyling, or cosmetology school or of esthetician or manicurist services who has received more than twenty percent of the hours of instruction required in section 12-8-114 (3) and who is rendering services at such school under supervision of a licensee within the school setting.

(2) and (3) Repealed.

(4) Lectures and demonstrations on beauty culture, hairdressing, and the use of beauty preparations in retail stores performed without compensation shall not constitute the practice of cosmetology, and nothing in this article shall prevent the giving of such lectures to and demonstrations on any person in retail stores.

12-8-122. Director may employ aid - compensation.

The director may employ any person licensed pursuant to this article for the purpose of conducting examinations. Such persons shall not be connected with any school teaching barbering, hairstyling, or cosmetology or esthetician or manicurist students. Any person so employed by the director may receive compensation for services for each day employed in the actual discharge of such person's official duties and actual and necessary expenses incurred, to be set by the director upon the approval of the executive director of the department of regulatory agencies.

12-8-123. Inspections.

Upon written complaint, inspections under section 12-8-108 (1) (f) of barbershops, beauty salons, places of business, and booths rented therein operated by independent licensees may be conducted by the director, or the director may contract for such inspections. The director shall maintain detailed records of all complaints and responses to such complaints.

12-8-124. Approved educational program for barbers - requirements. (Repealed)

12-8-124.5. Instructors of barbering and cosmetology. (Repealed)

12-8-125. License for beauty school - requirements. (Repealed)

12-8-126. Beauty school operation. (Repealed)

12-8-127. Unauthorized practice - penalties.

(1) Any person who practices or offers or attempts to practice barbering, hairstyling, esthetics, manicuring, or cosmetology without an active license issued under this article commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., for the first offense, and, for the second or any subsequent offense, the person commits a class 6 felony and shall be punished as provided in section 18-1.3-401, C.R.S.

(2) In addition to any other penalty, any person who violates the provisions of this article or the rules and regulations of the director promulgated under this article may be penalized by the director upon a finding of a violation pursuant to article 4 of title 24, C.R.S., as follows:

(a) In the first administrative proceeding against any person, a fine of not less than one hundred dollars but not more than five hundred dollars per day per violation;

(b) In any subsequent administrative proceeding against any person for transactions occurring after a final agency action determining that a violation of this article has occurred, a fine of not less than one thousand dollars but not more than two thousand dollars per day per violation.

(3) Repealed.

(4) All fines collected pursuant to this article shall be transferred to the state treasurer, who shall credit such moneys to the general fund.

12-8-127.5. Cease and desist orders.

(1) (a) If it appears to the director, based upon credible evidence as presented in a written complaint by any person, that a licensee or registrant is acting in a manner that is an imminent threat to the health and safety of the public, or a person is acting or has acted without the required license or registration, the

director may issue an order to cease and desist such activity. The order shall set forth the statutes and rules alleged to have been violated, the facts alleged to have constituted the violation, and the requirement that all unlawful acts or unlicensed or unregistered practices immediately cease.

(b) Within ten days after service of the order to cease and desist pursuant to paragraph (a) of this subsection (1), the respondent may request a hearing on the question of whether acts or practices in violation of this article have occurred. Such hearing shall be conducted pursuant to sections 24-4-104 and 24-4-105, C.R.S.

(2) (a) If it appears to the director, based upon credible evidence as presented in a written complaint by any person, that a person has violated any other portion of this article, then, in addition to any specific powers granted pursuant to this article, the director may issue to such person an order to show cause as to why the director should not issue a final order directing such person to cease and desist from the unlawful act or unlicensed or unregistered practice.

(b) A person against whom an order to show cause has been issued pursuant to paragraph (a) of this subsection (2) shall be promptly notified by the director of the issuance of the order, along with a copy of the order, the factual and legal basis for the order, and the date set by the director for a hearing on the order. Such notice may be served by personal service, by first-class United States mail, postage prepaid, or as may be practicable upon any person against whom such order is issued. Personal service or mailing of an order or document pursuant to this subsection (2) shall constitute notice thereof to the person.

(c) (I) The hearing on an order to show cause shall be commenced no sooner than ten and no later than forty-five calendar days after the date of transmission or service of the notification by the director as provided in paragraph (b) of this subsection (2). The hearing may be continued by agreement of all parties based upon the complexity of the matter, number of parties to the matter, and legal issues presented in the matter, but in no event shall the hearing commence later than sixty calendar days after the date of transmission or service of the notification.

(II) If a person against whom an order to show cause has been issued pursuant to paragraph (a) of this subsection (2) does not appear at the hearing, the director may present evidence that notification was properly sent or served upon such person pursuant to paragraph (b) of this subsection (2) and such other evidence related to the matter as the director deems appropriate. The director shall issue the order within ten days after the director's determination related to reasonable attempts to notify the respondent, and the order shall become final as to that person by operation of law. Such hearing shall be conducted pursuant to sections 24-4-104 and 24-4-105, C.R.S.

(III) If the director reasonably finds that the person against whom the order to show cause was issued is acting or has acted without the required license or registration, or has or is about to engage in acts or practices constituting violations of this article, a final cease and desist order may be issued, directing such person to cease and desist from further unlawful acts or unlicensed or unregistered practices.

(IV) The director shall provide notice, in the manner set forth in paragraph (b) of this subsection (2), of the final cease and desist order within ten calendar days after the hearing conducted pursuant to this paragraph (c) to each person against whom the final order has been issued. The final order issued pursuant to subparagraph (III) of this paragraph (c) shall be effective when issued and shall be a final order for purposes of judicial review.

(3) If it appears to the director, based upon credible evidence presented to the director, that a person has engaged in or is about to engage in any unlicensed or unregistered act or practice, any act or practice constituting a violation of this article, any rule promulgated pursuant to this article, any order issued pursuant to this article, or any act or practice constituting grounds for administrative sanction pursuant to this article, the director may enter into a stipulation with such person.

(4) If any person fails to comply with a final cease and desist order or a stipulation, the director may request the attorney general or the district attorney for the judicial district in which the alleged violation

exists to bring, and if so requested such attorney shall bring, suit for a temporary restraining order and for injunctive relief to prevent any further or continued violation of the final order.

(5) A person aggrieved by the final cease and desist order may seek judicial review of the director's determination or of the director's final order as provided in section 12-8-131 (7).

12-8-128. Enforcement.

It is the duty of the district attorneys of each judicial district of this state and the attorney general of this state to prosecute all persons charged with the violation of any of the provisions of this article. It is the duty of the director to aid said attorneys in the enforcement of this article.

12-8-129. Investigations.

The practice and procedure of the director with respect to any investigation by the director authorized by this article shall be in accordance with rules and regulations promulgated by the director, which rules and regulations shall provide for, but need not be limited to, investigation powers, including the right to enter the premises of any place of business registered or subject to registration under this article at any time said business is open or has members of the public present on the premises.

12-8-129.1. Immunity.

The director, the director's staff, any person acting as a witness or consultant to the director, any witness testifying in a proceeding authorized under this article, and any person who lodges a complaint pursuant to this article shall be immune from liability in any civil action brought against him or her for acts occurring while acting in his or her capacity as director, staff, consultant, or witness, respectively, if such individual was acting in good faith within the scope of his or her respective capacity, made a reasonable effort to obtain the facts of the matter as to which he or she acted, and acted in the reasonable belief that the action taken by him or her was warranted by the facts. Any person participating in good faith in lodging a complaint or participating in any investigative or administrative proceeding pursuant to this article shall be immune from any civil or criminal liability that may result from such participation.

12-8-130. Persons licensed or registered under previous law. (Repealed)

12-8-131. Disciplinary proceedings - administrative law judges - judicial review.

(1) The director may, through the department of regulatory agencies, employ administrative law judges to conduct hearings as provided by this section or on any matter within the director's jurisdiction upon such conditions and terms as the director may determine.

(2) A proceeding for discipline of a licensee shall be commenced when the director has reasonable grounds to believe that a licensee has committed acts which may violate the provisions of this article. Such grounds may be established by an investigation begun by the director on the director's own motion or by an investigation pursuant to a written complaint.

(3) Notice of the commencement of disciplinary proceedings pursuant to this section shall be given to the licensee or applicant in the manner prescribed by section 24-4-105, C.R.S.

(4) Any hearing on the revocation or suspension of a license, or on the denial of an application for a new license, or for renewal of a previously issued license shall be conducted by an administrative law judge, and such administrative law judge shall be vested with all powers and authority prescribed by article 4 of title 24, C.R.S.

(5) The administrative law judge shall make an initial decision, which shall include a statement of findings and conclusions upon all the material issues of fact and law presented by the record and the appropriate order, sanction, or relief. In the absence of an appeal to the director or a review upon motion of the director within thirty days after service of the initial decision of the administrative law judge, the initial decision shall become the decision of the director.

(6) Review by the director of the initial decision of the administrative law judge upon appeal or upon the director's own motion shall be conducted in accordance with section 24-4-105, C.R.S. The findings of fact made by the administrative law judge shall not be set aside by the director on review unless such findings are contrary to the weight of the evidence. The director may remand the matter to the administrative law judge for such further proceedings as the director may direct, or the director may affirm, set aside, or modify the order, sanction, or relief entered, in conformity with the facts and the law. Each decision shall be served as prescribed by section 24-4-105, C.R.S.

(7) Final action by the director may be judicially reviewed. The court of appeals shall have initial jurisdiction to review all final actions and orders that are subject to judicial review. Such proceedings shall be conducted in accordance with section 24-4-106 (11), C.R.S.

(8) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the director, warrants formal action, the complaint shall not be resolved by a deferred settlement, action, judgment, or prosecution.

12-8-132. Grounds for denial, revocation, or suspension of license.

(1) The director may deny, revoke, suspend, or make probationary any license issued under the director's authority pursuant to this article upon proof that the licensee:

(a) Has been convicted of or has entered a plea of nolo contendere to a felony. In considering the conviction of or such plea to any such crime, the director shall be governed by the provisions of section 24-5-101, C.R.S.

(b) Has made any misstatement on his or her application for licensure to practice as a barber, hairstylist, cosmetologist, esthetician, or manicurist;

(c) Is incompetent to practice a profession licensed under this article, which shall include performing services outside of the person's area of training, experience, or competence;

(d) Excessively or habitually uses or abuses alcohol or controlled substances;

(e) Has violated any of the provisions of this article or any valid order of the director;

(f) Is guilty of unprofessional or dishonest conduct;

(g) Advertises by means of false or deceptive statement;

(h) Fails to display the license as provided in section 12-8-119;

(i) Fails to comply with the rules promulgated by the director as provided in section 12-8-108 (1) (a);
or

(j) Is guilty of willful misrepresentation.

12-8-133. Repeal of article.

This article is repealed, effective July 1, 2015. Prior to such repeal, the licensing functions of the director shall be reviewed as provided for in section 24-34-104, C.R.S.